

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

IN RE: MONITRONICS INTERNATIONAL, INC.,
TELEPHONE CONSUMER PROTECTION ACT
LITIGATION

No. 1:13-md-02493-JPB-JES

THIS DOCUMENT RELATES TO:

ALL CASES

STIPULATION AND ORDER

WHEREAS, class member Catherine Smith ("Objector") filed an objection to the settlement of this case, and contested the fairness, adequacy, and reasonableness of the proposed settlement;

WHEREAS, in response to Objector's participation, the settling parties offered additional evidence in support of the settlement, including information regarding the financial condition of the settling defendant;

WHEREAS, the Court awarded class counsel a fee of less than what was requested, resulting in an additional \$1,040,000.00, which then was made available to class members;

WHEREAS, the objections that Objector lodged have been addressed in substantial part because plaintiffs' requested attorneys' fees and incentive awards were lower than what was requested, resulting in an increase in the amount to be paid to class members;

WHEREAS, Objector Catherine Smith and her counsel have conferred a substantial benefit on the class;

WHEREAS, class counsel and Objector's counsel subsequently negotiated in good faith to determine appropriate attorneys' fees to be allocated to Objector's counsel and, on consideration of the relevant factors, agreed upon the source and amount of fees to be paid.

THEREFORE, the settling parties hereby stipulate as follows:

1. The settling parties have agreed to allocate \$120,000 for fees and expenses to Objector and her counsel. The payment shall be taken from the fee awarded to class counsel in the case, and shall be paid within five days of class counsel's receipt of their own fee.
2. Plaintiffs shall withdraw Section F (re weight afforded Ms. Smith's objection) of Plaintiffs' Memorandum in Response to Objections to Class Action Settlement Agreement (Doc. 1179 at ECF 20-21). The record will be corrected to reflect this withdrawal within five days of entry of this Stipulation.
3. Objector shall withdraw her Motion for Sanctions (Doc. 1192).
4. This resolves all disputes between Objector, her counsel, and the Plaintiffs and class counsel.
5. The Court hereby vacates the Order to Show Cause (Doc. 1193).

For Plaintiffs:

s/ Jonathan R. Marshall
Jonathan R. Marshall
John W. Barrett
BAILEY & GLASSER, LLP
209 Capitol Street
Charleston, West Virginia 25301
Telephone: (304) 345-6555
Facsimile: (304) 342-1110
Email: jbarrett@baileyglasser.com
Email:
jmarshall@baileyglasser.com

s/ Beth E. Terrell
Beth E. Terrell
Mary B. Reiten
Jennifer Rust Murray
TERRELL MARSHALL LAW
GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 319-5450
Email: bterrell@terrellmarshall.com
Email: mreiten@terrellmarshall.com
Email: jmurray@terrellmarshall.com

Counsel for Plaintiffs

For Catherine Smith:

s/ Courtland Creekmore

It is so **ORDERED**.

Dated this 11th day of June, 2018


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE